

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

**DAVID TYRONE THOMAS,
Petitioner,**

V.

§
§
§
§
§

C.A. NO. C-07-016

**GEORGE HEAD, ET AL.,
Respondents.**

MEMORANDUM OPINION AND ORDER OF TRANSFER

This is an action filed by a prisoner incarcerated at the Karnes County Correctional Center (“the Center”) in Karnes City, Texas (D.E. 1). The action was docketed as a habeas corpus petition because petitioner requests immediate release from the Center. Petitioner also complains about the conditions of his confinement, claiming his rights under the Eighth Amendment to the Constitution are being violated because he has received inadequate medical and mental health treatment from the Center.

A habeas action may be filed either in the district where petitioner is in custody or in the district in which petitioner was convicted. 28 U.S.C. § 2241(d); Wadsworth v. Johnson, 235 F.3d 959 (5th Cir. 2000). Petitioner does not state in his petition whether he has been convicted of an offense or whether he is awaiting trial. Petitioner’s place of incarceration is Karnes County, which is located in the San Antonio Division of the Western District of Texas. 28 U.S.C. §124(d)(4).

A civil rights action must be filed in the district where the defendants reside or where the events which form the basis for the lawsuit occurred. 28 U.S.C. § 1331(b). The medical care about

which petitioner complains occurred in Karnes County in the San Antonio Division of the Western District of Texas.

For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought. 28 U.S.C. §§ 1404(a) and 1406(a). Because petitioner is being held in Karnes County, and because venue in the San Antonio Division of the Western District of Texas is appropriate regardless of whether the petition is treated as a habeas corpus petition or a civil rights complaint, a transfer is appropriate.

Accordingly, it is ordered that the Clerk of the Court TRANSFER this action to the United States District Court for the Western District of Texas, San Antonio Division.

ORDERED this 17th day of January, 2007.



B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE